

1 A bill to be entitled
 2 An act relating to the change of a name; amending s.
 3 68.07, F.S.; requiring that a petition for a change of
 4 name include two sets of fingerprints and a processing
 5 fee; providing duties of the clerk of the court with
 6 respect to forwarding sets of fingerprints to the
 7 Department of Law Enforcement for purposes of the state
 8 and national criminal history records check and for duties
 9 following the granting of a petition; providing an
 10 effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 68.07, Florida Statutes, is amended to
 15 read:

16 68.07 Change of name.--

17 (1) Chancery courts have jurisdiction to change the name
 18 of any person residing in this state on petition of the person
 19 filed in the county in which he or she resides.

20 (2) The petition must ~~shall~~ include two sets ~~a copy~~ of the
 21 petitioner's fingerprints taken by a law enforcement agency,
 22 along with the fingerprint processing fee, except where a former
 23 name is being restored. The clerk of the court shall forward one
 24 set of fingerprints to the Department of Law Enforcement for a
 25 state and national criminal history records check, the results
 26 of which shall be returned to the clerk for use by the court in
 27 determining whether to grant the petition. The fee for this
 28 processing is the fee established by s. 943.053 for the state

29 criminal history records check plus the fee established by the
 30 Federal Bureau of Investigation for the national criminal
 31 history records check. The second set of fingerprints shall be
 32 retained by the clerk to be forwarded to the Department of Law
 33 Enforcement, along with the report of the judgment, if the
 34 petition is granted. The petition shall ~~and~~ be verified and
 35 show:

36 (a) That the petitioner is a bona fide resident of and
 37 domiciled in the county where the change of name is sought.

38 (b) If known, the date and place of birth of the
 39 petitioner, the petitioner's father's name, the petitioner's
 40 mother's maiden name, and where the petitioner has resided since
 41 birth.

42 (c) If the petitioner is married, the name of the
 43 petitioner's spouse and if the petitioner has children, the
 44 names and ages of each and where they reside.

45 (d) If the petitioner's name has previously been changed
 46 and when and where and by what court.

47 (e) The petitioner's occupation and where the petitioner
 48 is employed and has been employed for 5 years next preceding the
 49 filing of the petition. If the petitioner owns and operates a
 50 business, the name and place of it shall be stated and the
 51 petitioner's connection therewith and how long the petitioner
 52 has been identified with that ~~said~~ business. If the petitioner
 53 is in a profession, the profession shall be stated, where the
 54 petitioner has practiced the profession and, if a graduate of a
 55 school or schools, the name or names thereof, time of
 56 graduation, and degrees received.

57 (f) Whether the petitioner has been generally known or
58 called by any other names and if so, by what names and where.

59 (g) Whether the petitioner has ever been adjudicated a
60 bankrupt and if so, where and when.

61 (h) Whether the petitioner has ever been arrested for or
62 charged with, pled guilty or nolo contendere to, or been found
63 to have committed a criminal offense, regardless of
64 adjudication, and if so, when and where.

65 (i) Whether any money judgment has ever been entered
66 against the petitioner and if so, the name of the judgment
67 creditor, the amount and date thereof, the court by which
68 entered, and whether the judgment has been satisfied.

69 (j) That the petition is filed for no ulterior or illegal
70 purpose and granting it will not in any manner invade the
71 property rights of others, whether partnership, patent, good
72 will, privacy, trademark, or otherwise.

73 (k) That the petitioner's civil rights have never been
74 suspended, or if the petitioner's civil rights have been
75 suspended, that full restoration of civil rights has occurred.

76 (3) The hearing on the petition may be immediately after
77 it is filed.

78 (4) On filing the final judgment, the clerk shall, if the
79 birth occurred in this state, send a report of the judgment to
80 the Office of Vital Statistics of the Department of Health on a
81 form to be furnished by the department. The form must ~~shall~~
82 contain sufficient information to identify the original birth
83 certificate of the person, the new name, and the file number of
84 the judgment. This report shall be filed by the department with

85 | respect to a person born in this state and shall become a part
86 | of the vital statistics of this state. With respect to a person
87 | born in another state, the clerk shall provide the petitioner
88 | with a certified copy of the final judgment.

89 | (5) The clerk must, upon the filing of the final judgment,
90 | send a report of the judgment to the Department of Law
91 | Enforcement on a form to be furnished by that department. The
92 | Department of Law Enforcement must send a copy of the report to
93 | the Department of Highway Safety and Motor Vehicles, which may
94 | be delivered by electronic transmission. The report must contain
95 | sufficient information to identify the petitioner, including a
96 | set ~~copy~~ of the petitioner's fingerprints taken by a law
97 | enforcement agency, the new name of the petitioner, and the file
98 | number of the judgment. Any information retained by the
99 | Department of Law Enforcement and the Department of Highway
100 | Safety and Motor Vehicles may be revised or supplemented by said
101 | departments to reflect changes made by the final judgment. With
102 | respect to a person convicted of a felony in another state or of
103 | a federal offense, the Department of Law Enforcement must send
104 | the report to the respective state's office of law enforcement
105 | records or to the office of the Federal Bureau of Investigation.
106 | The Department of Law Enforcement may forward the report to any
107 | other law enforcement agency it believes may retain information
108 | related to the petitioner. Any costs associated with
109 | fingerprinting must be paid by the petitioner.

110 | (6) A husband and wife and minor children may join in one
111 | petition for change of name and the petition must ~~shall~~ show the
112 | facts required of a petitioner as to the husband and wife and

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113 the names of the minor children may be changed at the discretion
114 of the court.

115 (7) When only one parent petitions for a change of name of
116 a minor child, process shall be served on the other parent and
117 proof of such service shall be filed in the cause; ~~provided,~~
118 however, if ~~that where~~ the other parent is a nonresident,
119 constructive notice of the petition may be given pursuant to
120 chapter 49, and proof of publication shall be filed in the cause
121 without the necessity of recordation.

122 (8) This section does not apply ~~Nothing herein applies~~ to
123 any change of name in proceedings for dissolution of marriage or
124 for adoption of children.

125 Section 2. This act shall take effect July 1, 2006.